

U.S. Patent Application Serial No. 09/754,710  
Amendment dated March 23, 2004  
Reply to OA of **February 17, 2004**

**REMARKS**

Claims 1-3, 7, 9-12, 14-23 and 26-37 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **February 17, 2004**.

**Claim Rejections under 35 USC §101**

Claims 26-37 are rejected under 35 USC §101 because the claimed invention is directed to non-statutory subject matter.

Specifically, the Examiner asserts that claims 26-37 are directed to nonfunctional descriptive material. Claims 26-37 are amended to indicate that the invention is a computer program executable by a computer and embedded on a computer readable medium. Further claims 26-37 are amended to indicate that the program information is a program code segment. Still further the Examiner's grounds of rejection is respectfully traversed. Claim 26 does not recite nonfunctional descriptive material but recites such tangible features as establishing a communications link, ordering and receiving a ticket or a coupon and obtaining ownership of the ticket and the coupon.

Therefore, withdrawal of the rejection of Claims 26-37 under 35 USC §101 because the claimed invention is directed to non-statutory subject matter is respectfully requested.

**Claim Rejections under 35 USC §112**

Claims 1, 3, 10, 11 and 26 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Taking the Examiner's comments into consideration claims 1, 3, 10, 11 and 26 have been amended. Further, claims 2, 3, 7, 9, 12, 14-23, 27-29, 35 and 37 have been amended to eliminate the phrase "or similar items" since it is considered indefinite.

Therefore, withdrawal of the rejection of Claims 1, 3, 10, 11 and 26 under 35 USC §112, second paragraph, is respectfully requested.

**Claim Rejections under 35 USC §102**

Claims 1-9 are rejected under 35 USC §102(b) as being anticipated by Rosen (U.S. Patent No. 5,621,797).

The present invention is a device and method for a consumer to buy and transfer tickets and coupons. In the first embodiment this device and method begins by establishing a communications link between a wireless computer (101) and a server (102). An order for a ticket or coupon is sent from the wireless computer (101) to the server (102). The server (102) establishes a communication link to computer (103) and requests payment for the ticket or coupon. The computer (103) confirms that payment has been received. The server (102) records the name of the owner of the ticket or coupon. The wireless computer (101) then transfers the ticket or coupon to wireless computer (104).

Wireless computer (101) then sends a request to server (102) to change the name of ownership for the ticket or coupon. The server (102) then changes the name of ownership and wireless computer (101) erases the coupon or ticket from its memory. The server (102) then sends the new ownership information to wireless computer (104).

Rosen describes an electronic ticket transfer method. This method uses a merchant trusted agent to transfer electronic merchandise to a customer trusted agent. Payment is made by a first money module transferring funds to a second money module. Once payment is done the customer may use the electronic merchandise.

Independent claims 1, 11 and 26 have been amended to include the feature that the ticket or coupon is transferred to wireless computer (104) from wireless computer (101) and that the name of ownership is changed in the memory of server (102). Therefore, independent claims 1, 11 and 26 patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 1,

“A method for allowing consumers to obtain a ticket or coupon comprising: forming a communication link between a first device and a second device; sending and receiving information data between said first device and said second device wherein said sending and receiving information data allows said first device to order and receive a ticket or coupon from said second device, said ticket or coupon being capable of display on a screen of said first device; recording the name of an owner associated with the first device in a memory of the second device as owner of the ticket or coupon; contacting a third device to pay for the ticket or coupon; transferring the ticket or coupon to a fourth device from the first device; and changing the name of ownership to an owner associated with the fourth device in the memory of the second device.” (Emphasis Added)

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Therefore, withdrawal of the rejection of Claims 1-9 under 35 USC §102(b) as being anticipated by Rosen (U.S. Patent No. 5,621,797) is respectfully requested.

Regarding claim 6. The fourth information is erased from memory based on the fifth information data so as to avoid a double transaction. On the other hand, Rosen discloses erasing data in anticipation, therefore the method of erasing data is different from that recited in claim 6. Therefore, claim 6 recites patentably distinguishing features of its own.

#### Claim Rejections under 35 USC §103

Claim 10 is rejected under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797) in view of Ohr (PTO-892, Item U).

Ohr describes a Bluetooth wireless network.

Claim 10 is allowable by virtue of its dependence upon an allowable independent claim. Therefore, withdrawal of the rejection of Claim 10 under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797) in view of Ohr (PTO-892, Item U) is respectfully requested.

Claims 11-18 are rejected under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797) in view of Revett et al. (PTO-892, Item V).

Revett et al. describes using portable devices to access web pages and ordering tickets.

Claim 11 patentably distinguishes over the prior art relied upon by reciting,

“A e-transaction system for obtaining a ticket or coupon comprising: a user computer with wireless communication capability; a memory accessible to said user computer; a server providing a website; a second memory accessible to said server; a second computer with wireless communication capability; and a third computer with wireless communication capability, wherein the user computer orders a ticket or coupon from the server, the name of an owner associated with the user computer is recorded in second memory of the server as owner of the ticket or coupon, the second computer is contacted to pay for the ticket or coupon, the ticket or coupon is transferred to the third computer from the user computer, the name of ownership to an owner associated with the third computer is changed in the second memory the server.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 11-18 under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797) in view of Revett et al. (PTO-892, Item V) is respectfully requested.

Claims 19-25 are rejected under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797) and Revett et al. (PTO-892 Item V), as applied to claims 11 and 14, in view of Mann et al. (U.S. Patent No. 6,119,096).

Mann et al. describes using fingerprints to authenticate a user.

Claims 19-25 are allowable by virtue of their dependence upon an allowable independent claim. Therefore, withdrawal of the rejection of Claims 19-25 under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797) and Revett et al. (PTO-892 Item V), as applied to claims 11 and 14, in view of Mann et al. (U.S. Patent No. 6,119,096) is respectfully requested.

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Claims 26-37 are rejected under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797).

Claim 26 patentably distinguishes over the prior art relied upon by reciting,

“A computer program executable by a computer and embedded in a computer readable medium to be used in an e-transaction system for making e-transaction by means of a second device for providing services capable of obtaining a ticket or coupon, using a first device owned by a user, comprising: a program code segment for forming a communication link between said first device and said second device; a program code segment for sending and receiving information data between said first device and said second device so as to order and receive a ticket or coupon; a program code segment for displaying the ticket or coupon on a screen of said first device and obtaining a ownership of the ticket or coupon; a program code segment for recording the name of an owner associated with the first device in a memory of the second device as owner of the ticket or coupon; a program code segment for contacting a third device to pay for the ticket or coupon; a program code segment for transferring the ticket or coupon to a fourth device from the first device; and a program code segment for changing the name of ownership to an owner associated with the fourth device in the memory of the second device.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 26-37 under 35 USC §103(a) as being unpatentable over Rosen (U.S. Patent No. 5,621,797) is respectfully requested.

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**Conclusion**

In view of the aforementioned amendments and accompanying remarks, claims 1-3, 7, 9-12, 14-23 and 26-37, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,  
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